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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/865,733 | 05/29/2001 | Nadine Assaf | Q64393 | 5965 |
| 23373 | 7590 | 07/13/2005 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | PHILIPPE, GIMS S | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 2613 | |

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 09/865,733 | ASSAF, NADINE | |
| | Examiner | Art Unit | |
| | Gims S. Philippe | 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-8 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US Patent no. 5838829) in view of Khansari et al. (US Patent no. 6141448).

Regarding claim 1, Kim discloses a picture coding method for transmission on an channel at a low bit rate and with a high error rate (See Kim col. 2, lines 6-18, col. 4, lines 35-40), which method uses motion estimation coding and divides the picture into a plurality of segments made up of macroblocks (See Kim col. 3, lines 22-28, lines 59-62)

wherein, at least for an edge block of a segment, a motion estimation vector is allowed to extend into an adjacent segment (See Kim col. 3, lines 18-36).

It is noted that Kim is silent about extending a motion estimation vector into an adjacent segment as specified in the claim.

However, Khansari discloses extending a motion estimation vector into an adjacent segment (See col. 4, lines 34-55).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Kim's motion vector estimation by incorporating Khansari's step of extending a motion estimation vector into an adjacent segment. The motivation for such a modification in Kim is to increase the efficiency of the coder as taught by Khansari (See col. 4, lines 54-55).

As per claim 2, the limitations of the claim have been noted in the above rejection of claim 1. In addition, the segment as disclosed in Kim is made either of blocks or macroblocks (See Kim's fig. 1, converter 102).

As per claims 3-4, as Kim generates the information of contour pixels vertically and horizontally, the scanning of left to right and top to bottom is performed (See Kim col. 2, lines 56-67 and col.3, lines 1-21).

As per claim 5, Kim further provides two groups for each segment (See Kim col. 3, lines 63-67, and col. 4, lines 1-4).

As per claim 7, since Kim uses a low bit rate encoding system, as disclosed by the applicant in the detailed description, it can be concluded that the transmission rate of Kim is less than 100 kbits/s (See Kim col. 4, lines 35-40).

As per claim 8, Kim further uses a low-bit rate transmission system (See Kim col. 4, lines 35-40)

4. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US Patent no. 5838829) in view of Khansari et al. (US Patent no. 6141448) as applied to claim 1 above, and further in view of Hannuksela et al. (US Patent no. 6611561).

As per claim 6, it is noted that the combination of Kim and Khansari is silent about an error rate greater than 10^{-6} or even greater than 10^{-4} .

However, Hannuksela discloses a video coding method including transmission wherein the error rate greater than 10^{-6} or even greater than 10^{-4} (See Hannuksela col. 3, lines 3-15).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the coding method of the proposed combination of Kim and Khansari by incorporating Hannuksela's error rate which is greater than 10^{-6} or even greater than 10^{-4} . The motivation for such a modification is to protect and recover images from transmission errors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

July 8, 2005